

Civilian Oversight Board Meeting

Open Session Minutes

Location: 1520 Market, Room 4029

Via video conference

October 25, 2021 at 5:00 p.m.

I. Welcome and Call to Order

Closed Session called to order at 5:05 p.m. via video conference

II. Roll Call and Attendance

Board Members Present: Bradley Arteaga, Jane Abbott-Morris, David Bell, Frank Copanas (non-voting member), Ciera Simril, Vice-Chair, and Stephen H. Rovak, Chair

Staff Present: Aldin Lolic and Louisa Lyles, Investigators, Raymond Flojo, Asst. City Counselor Kimberley Taylor-Riley, Commissioner

III. Vote to go into Closed session

MOTION

A motion was made by Stephen H. Rovak to go into closed session for the following purpose to:

- a. Have confidential communication with legal counsel concerning legal causes of action pursuant to Section 610.021(1), RSMo. and/or
- b. Discuss matters relating to the hiring, firing, disciplining or promoting of particular employees, pursuant to Section 610.021(3), RSMo.

Seconded by Ciera Simril

Roll Call vote was as follows:

Ciera Simril	Aye
David Bell	Aye
Jane Abbott-Morris	Aye
Bradley Arteaga	Aye
Stephen H. Rovak	Aye

The motion carried with a unanimous vote of 5-0

IV. Approval of June 21, 2021 Open Meeting Minutes

MOTION

A motion was made by Bradley Arteaga to approve the Closed meeting minutes from June 21, 2021. Seconded by Jane Abbott-Morris.

The motion carried with a unanimous vote of 5-0

V. Cases Under Discussion from Closed Session November 15, 2021

COB-17-0040

Complainant filed a JCCF with COB on November 16, 2017, alleging Excessive Use of Force. Complainant alleged that the SLMPD Officer assaulted him by striking him with a closed fist in the right eye, causing injury, while handcuffed during transport to the City jail. This case was presented to the Board on January 25, 2019. After consideration, the Board agreed with the Internal Affairs Division findings on Allegation A as Not Sustained. However, the Board voted to return this case for further investigation regarding the Officer's use of force in causing the complainant to fall to the floor in the holding area while delivering him to the holdover area inside North Patrol. On September 11, 2020, it was recommended that the Officer attend reinstruction regarding the escort of prisoners at the Police Academy. On September 1, 2020, the Officer successfully completed his reinstruction of the escort of the inmates with the assistance of the Police Academy. IAD closed the file as not sustained.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to take no further action as termination of the involved officer renders the question of sustaining Allegation B moot. Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

COB-20-0013

Complainant filed a JCCF with the COB on May 4, 2020, alleging abuse of authority in that an unmarked SLMPD vehicle struck his vehicle on the highway's exit ramp while pursuing another vehicle. IAD closed the file as not sustained.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically not to sustain the allegations in the complaint. Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

COB-20-0014

The complainant filed a JCCF which alleged that an SLMPD Detective failed to conduct a proper investigation relative to a reported sexual assault of a minor child (age 5) that occurred on February 5, 2017. The alleged failures on the part of the Detective include reportedly failing to interview pertinent witnesses (i.e., minor child and biological mother) and failing to investigate prior reported alleged events. The Detective's preliminary investigation with the minor was not recorded "because the daughter was of such an age where he did not believe she could readily

express the allegations.” The Detective refused to gather evidence (i.e. underwear) that was made available to him by Cardinal Glennon medical staff and/or the minor’s parent on the date of the incident (February 5, 2017). The Detective noted that the medical report mentioned vaginal discharge upon examination; however, he said that a lack of hygiene had been determined by the medical evaluation and the belief that criminal activity may have occurred.

On May 3, 2021, the Police Commissioner’s Officer forwarded case file IA Number: 20-0424 to the COB for review. Allegation A: is “Unfounded” that the SLMPD Detective violated SLMPD Police Manual Rule 7, Section 7.004(C) (18), which reads in applicable part, “Failing to conduct a proper investigation of criminal activity or a non-criminal incident which requires police action.” In accordance with Missouri Revised Statute 590.653, the COB Investigator reviewed Complaint Number: COB-17-0041 and all pertinent documents (i.e., Joint Civilian Complaint Form, SLMPD Incident Report, MO Department of Social Service records, Our Little Haven Progress Notes, Sprint text messages, St. Louis City Children's Division(DFS)-Police Referral, St. Charles County police Report, Cardinal Glennon medical records, and Administrative Reports Transmittal Sheet). The Board discussed the case and decided to table the complaint until the November 15, 2021, Board meeting to provide time to gather additional information on how SLMPD sex crime cases are handled.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to table the matter until the next meeting and provide requested information to the Board. Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

COB-20-0023

On November 20, 2020, the complainant filed a JCCF, which alleged that her parked vehicle was struck by a Kia Forte, which was being pursued by St. Louis Metropolitan Police Department (SLMPD) officers. The complainant stated that she observed the SLMPD officers driving at a high rate of speed. The police emergency vehicle lights and vehicle siren were not activated. During the Police Officers’ pursuit, the Kia Forte struck a postal vehicle, and the postal employee sustained injuries. The complainant also stated that the unidentified operator of the Kia Forte fled on foot, and an SLMPD Officer engaged in a foot pursuit but was unable to catch the fleeing unidentified individual. The Officer returned to his police vehicle and left the scene to continue pursuit of the unidentified individual. This complaint is categorized as Discourtesy and Abuse of Authority by the COB.

On July 30, 2021, IAD forwarded IA Number: 20-0763 (COB-20-0023) investigative report which provided findings for the following:

Allegation A: was “Not Sustained” that Police Officer Joshua Thum/DSN 12012 and Police Officer Nicholas Price/DSN 11735 had violated Special Order 5-05, Section II, Subsection (C).

Allegation B: was “Sustained” that when Police Officer Joshua Thum/DSN 12012 prepared Incident Report 20-052179 he (Officer Thum) falsely indicated within the incident report that when he and Officer Price arrived at the vehicle crash location and they interviewed several witnesses who wished to remain anonymous.

Allegation C: was “Sustained” that when Police Officer Joshua Thum/DSN 12012 and Police Officer Nicholas Price/DSN 11735 were interviewed by IAD relative to IAD file 20-0763 (COB 20-0023), both Police Officer Joshua Thum/DSN 12012 and Police Officer Nicholas Price/DSN 11735 made false statements to IAD.

Allegation D: was “Sustained” that when Police Officer Joshua Thum/DSN 12012 and Police Officer Nicholas Price/DSN 11735 failed to notify the First District Dispatcher about the on-view vehicle crash that involved a Kia Forte, Police Officer Joshua Thum/DSN 12012 and Police Officer Nicholas Price/DSN 11735 both violated Special Order 9-04, Section XII(I)(2)(a)(3)(a),

Allegation E was “Sustained” that when Police Officer Joshua Thum, DSN 12012, and Police Officer Nicholas Price, DSN 11735, became involved in the vehicle crash investigation at 5021 Louisiana Avenue, they did not attempt to identify/locate a victim who was involved in a vehicle crash.

IAD recommended that Police Officer Joshua Thum/DSN 12012 be dropped from the SLMPD Rolls and deemed ineligible for rehire as a result of the violations set out in Allegations B, C, D, and E.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to agree with IAD’s determination that Allegations B, C, D, and E be “Sustained.” Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

COB-21-0003

Allegation A: The complainant alleged that an SLMPD officer conducted an unreasonable vehicle stop, resulting in the complainant receiving a citation for a speeding violation. Allegation B: The complainant alleged the officer profiled him by asking for information about the vehicle over and over again. The complainant believes that the officer expressed too much interest in his vehicle. IAD closed the file as unfounded.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to close the case as unfounded. Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

COB-21-0004

Complainant filed a JCCF with the COB on March 12, 2021, alleging abuse of authority. The complainant alleged that an SLMPD officer residing on his street continuously instructed parking enforcement to issue citations to his vehicle.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to closed the case with the Board's additional determination that case closure is due to lack of cooperation by the Complainant. Seconded by Bradley Arteaga.

The motion carried with a unanimous vote of 5-0

COB-21-0005

Complainant filed a JCCF with the COB on March 17, 2021, alleging abuse of authority. According to the complainant, she contacted the non-emergency number, 314-444-0001, to report an attempted rape. She was told by the by the non-emergency dispatcher that she was unable to report the crime due to Missouri not having an attempted rape charge. IAD closed the file as not sustained.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to agree with IAD's determination of not sustained. Seconded by Bradley Arteaga.

The motion carried with a unanimous vote of 5-0

COB-21-0043

Complainant filed a JCCF with the COB on June 5, 2021, alleging Abuse of Authority. The complainant alleged that SLMPD treated her in an uncivil manner. She stated that she contacted 911 due to a neighbor brandishing a weapon. Instead, the SLMPD contacted the crises intervention team and attempted to admit her into a hospital. IAD closed the file as unfounded.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to agree with IAD's determination of unfounded. Seconded by Bradley Arteaga.

The motion carried with a unanimous vote of 5-0

COB-21-0060

Complainant filed a JCCF with the IAD on April 14, 2021, alleging bias-based policing. The complainant alleged that an unknown officer racially profiled him due to being the only black individual at the park. The officer advised the complainant that he is not allowed to skate at the park. IAD closed the file as not sustained.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to agree with IAD's determination of not sustained. Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

COB-21-0063

Complainant filed a JCCF with the COB on July 6, 2021, alleging abuse of authority. The complainant alleged that an SLMPD officer unreasonably issued parking citations to his vehicle. IAD closed the file as unfounded.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to agree with IAD's determination that file be closed with the Board's additional determination that case closure is due to lack of jurisdiction as SLMPD was not the involved agency. Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

COB-21-0079

Complainant filed a JCCF with the COB on July 27, 2021, alleging Abuse of Authority. The complainant alleged that SLMPD issued a wanted for her with information that she was involved in a hit and run without verifying any information first. IAD closed the file as unfounded.

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to agree with IAD's determination that the allegation was unfounded. Seconded by Ciera Simril.

The motion carried with a unanimous vote of 5-0

XV. Follow up on COB-18-0031 Memorandum/Response to Certification Board

MOTION

A motion was made by Stephen Rovak to ratify the action taken in the closed session, specifically to take no further action as the officer is no longer certified in Missouri. Seconded by Ciera Simril.

XVI. Return to In-Person Meetings

In the closed session, the Board determined that a consensus could not yet be reached on beginning in-person meetings as yet. The matter will be revisited at the January, 2022 meeting.

XVII. Adjournment

MOTION

A motion to adjourn the open session by Stephen Rovak.

The motion carried with a unanimous vote of 5-0

Meeting adjourned at 5:40 p.m.

The next Monthly meeting will be November 15, 2021.